

Art Unit: 1616  
Examiner: Frank J. Choi  
Serial No.: 10/750,376  
Docket No.: 01845-22396

### REMARKS

In the foregoing amendment, Applicant cancels claims 1-20 and adds claims 21-40; however, Applicant submits that new claims 21-40 are the same as the claims that existed at the time Applicant filed its August 17, 2007 Appeal Brief (hereinafter "pre-amended claims"). Applicant has amended the claims in this manner for ease of reading and to avoid any unnecessary complication or confusion.

In response to the Final Office Action dated January 26, 2007, Applicant attempted to enter a claim amendment at the suggestion of the Examining Attorney. Despite suggesting that Applicant enter an amendment, the Examining Attorney refused to enter the amendment and made final the rejection of the pre-amended claims. Accordingly, Applicant appealed the Examiner's rejection of the pre-amended claims. Thereafter, the Examining Attorney reopened prosecution, entered Applicant's earlier amendment, and issued a new rejection based on the amended set of claims.

Applicant is now amending the claims back to their pre-amended state. Since the new rejection set forth by the Examining Attorney in the recent Office Action applies to the claims post amendment, Applicant submits that the rejection is moot as it does not apply to the current listing of claims.

In addition, Applicant is desirous of having claims 21-40 considered on appeal and is thus filing concurrently a Notice of Appeal of these claims, a courtesy copy of which is attached hereto.

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**CONCLUSION**

In light of the above, Applicant respectfully submits that pending claims 21-40 are in condition for allowance. Therefore, Applicant requests that the rejections and objections be withdrawn, and that the claims be allowed and passed to issue. If any impediment to the allowance of these claims remains after entry of this Amendment, the Examiner is strongly encouraged to call Gary P. Oakeson at (801) 566-6633 so that such matters may be resolved as expeditiously as possible.

The Commissioner is hereby authorized to charge any additional fee or to credit any overpayment in connection with this Amendment to Deposit Account No. 20-0100.

DATED this 5<sup>th</sup> day of February, 2008.

Respectfully submitted,

  
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